



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 7, 2000**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-97 Coscia v. McKenna & Cuneo, S089226. (D030802; 80 Cal.App.4th 617.)  
Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether, in order to maintain an action for legal malpractice based on representation in a criminal case, the plaintiff must first have his or her conviction set aside on appeal or collateral attack or whether the plaintiff may prove his or her asserted innocence of the crime in the malpractice action itself.

#00-98 People v. Denser, S088995. (B136244.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order vacating the judgment in a criminal case. The court ordered briefing deferred pending decision in Resendiz on Habeas Corpus, S078879 (#99-109), which concerns whether counsel has a duty to investigate and advise his client of the immigration consequences of a guilty or no contest plea.

#00-99 People v. Harper, S088651. (E025062.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order denying a certificate of rehabilitation. The court ordered briefing deferred pending decision in People v. Ansell,  
(over)

S079744 (see #99-116), which concerns whether application of newly adopted prohibitions on the issuance of certificates of rehabilitation to individuals whose crimes predate the amendments violates constitutional protections against ex post facto legislation.

#00-100 People v. McCoy, S088767. (B127097; 80 Cal.App.4th 57, mod. 80 Cal.App.4th 1225d.) Petition for review after the Court of Appeal ordered modifications of the abstract but affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Smith, S088387 (#00-70), which concerns whether the People may, for the first time on appeal, raise the issue that, although the trial court imposed a restitution fine, it failed to impose a parole revocation restitution fine in the proper amount.

#00-101 People v. Otto, S088807. (A086761; 80 Cal.App.4th 75.) Petition for review after the Court of Appeal affirmed an order of commitment as a Sexually Violent Predator.

#00-102 People v. Mendoza, S089671. (F032945; 81 Cal.App.4th 179. Petition for review after the Court of Appeal affirmed an order of commitment as a Sexually Violent Predator.

The court limited review in Otto to the issues of 1) whether Welfare and Institutions Code section 6600, subdivision (a), permitting the details of predicate offenses to be proved by documentary evidence in Sexually Violent Predator proceedings, allows admission of multiple hearsay that does not fall within any exception to the hearsay rule, and, if so, 2) whether the statutory provision violates the defendant's due process right to confrontation. The court ordered briefing deferred in Mendoza pending decision in Otto.

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